1871
(L.R.)

File. No. 5 of 1871
Serial. No: 1-8

Sub :- Procedure in regard to recovery of arrears of land revenue

Incomplete.

G. R. S. IX-5]

Previous references.

1871
~~191~~ .
(Land Rev:)

Later references.

File No. 5 of 1871

Serial Nos. 1-8

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for December 1871.

SUBJECT.

Procedure in regard to recovery of arrears of Land Revenue.

10

Indexed
VMb

W D 88—GPB—50,000—24-7-16

A° 96

Memorandum

Nagar Superintendents' letter D° 439/111 dated the 28th November 1871

The points raised in the above letter are —

1st Whether immoveable property i.e. a House, in case of "Mohatarfa" arrears of Revenue other than on Candayem lands, should be first sold, or after recourse was had to the moveables.

2d Whether the Dy Superintendent may be permitted to sanction sales of both immoveable and moveable property.—

With reference to the first point, it seems to me that arrears of Revenue due to Government other than land Revenue, should be recovered in the same manner as arrears of Land Revenue, and in cases of the nature alluded to in the above letter, moveable property of a Defaulter should be first destrained and sold, and if the arrears due with interest, expenses of attachment and sale, and all other just charges be not fully liquidated by sale, other immoveable property may be attached from the defaulter and acted according to the provisions laid down in the General Circular A° 1 of 25th Sept last.

As regards the 2d point the Dy Supts are declared in the above Circular as competent to proceed against such property of the Defaulter with the previous sanction obtained from the Superintendents.—

Bangalore
9th December
1871.

A. O. Chatterton

There appears to me to have been a misconception in this matter. The Rules laid down in the Circular of 25th Sept. last were merely intended to apply to cases of default of payment of the Govt. Land Revenue, and not of other items of Revenue. The Rules regarding recovery of which previously in force should not be affected thereby -

I did not understand that the Circulars of 14th June and 30th Augt. 67 referred to the latter class of items, and the letter No 391 appears to have been written in 46 some days unnecessarily on this head - The Circular of 25th Sept should be regarded as merely affecting the recovery of Land Revenue, and not affecting the practice previously in force as regards other items of the Govt. Revenue

Reply accordingly

H. Edwards

12/12/71

W. Griffiths 12/12/71

To Deputies

WF 14-12-71

No 115.

L. R.
5 of 71

Memo

I beg to submit the accompanying draft Rules prepared in accordance with the orders passed on Duftur Memo No 6

2. The Preamble has been quoted from the Madras Regulation 28 of 1802.

3. Ss 1 to 15 and 45 to 61 have been borrowed from Madras Act VIII of 1865, with certain modifications

4. Ss 16 to 44 are the rules published at page 305 et seq of the Mysore Revenue Manual.

5. I have omitted some of the sections of the Madras Act relating to:—

I Interest chargeable on arrears of rent (s 37)

II Sale of defaulters' interest in land (ss 38 & 40)

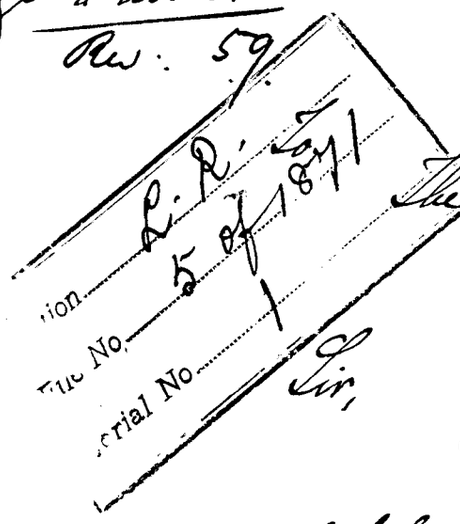
III Ejectment of tenant for non-payment of rent (ss 46 & 47)

IV Imprisonment of defaulter for non-payment of arrears (s 48)

6. Inamdars are not allowed, at present, to charge interest on arrears due to them by their tenants.

7. The summary ejectment of a tenant for the sale of his interest in land and his incarceration in jail for arrears

Genl Do: 216
Rev: 59



Nagar Dn Supttg Office,
8th August 1871.

The Secretary to the Chief Comr
of Mysore. —

Sir,

Referring to your Docket Do: 48.
1.
dated the 4th April last, directing the
enforcement of the provisions of Sec: XVI
of the Survey Rules regarding the levy
of interest on instalments of Revenue
when overdue to Government, I have
the honor to forward for the information
of the Chief Comr, copies of letters noted
in the margin, from the Deputy Supttg
of the three Districts. —

Do: 129. d/the 24th June/71. from Kadoor.
Do: 123. d/the 6th July from Shimoga.
Do: 173. d/the 6th ditto from Kadoor
Do: 243. d/the 9th July from Chitaldrug.

The points noted are,

1st Para That the Survey Rule in question directs, on default of payment of Revn, the sale of the defaulters' right of occupancy in the land at once, the moveable property being apparently left untouched.

2nd Para That Toddy Contractors refuse the

the payment of interest for their instalments when overdue, on the ground ~~that they~~ have executed Security Bonds and deposited 2. Months' Rents in the hands of Government.—

With reference to the 1st Joint, I think that the inconveniences pointed out by the Deputy Superintt, as resulting from selling the right of occupancy in the land of the defaulting Ryot in the first instance are correctly represented and consequently difficulties present themselves for realizing Government demands.— I would therefore suggest that in such cases the moveable property of the defaulters should be proceeded against in the first instance, and if the demand is not satisfied by this, the land to be then put up as provided for in the Survey Rules.—

As regards the 2nd Joint, the levy of interest from Toddy & Ganjah Contractors

I observe from the Circular of the Bd of Revenue dated 1st Dec. 1855 that Resident Collectors in the Madura Zillah, & Sole Collectors in the Tinnevelly Zillah, & Sole Collectors in the Salem Zillah, are authorized to sell the land for the arrears of Revenue in the first instance, and "if after the sale of the whole of the defaulter's land, a balance should still remain, his personal property may be attached & sold." The defaulting Renter has a personal claim on his land for which at least a sufficient price Referring to the Minute of 9th July, I would authorize Collectors to sell the personal property of such Ryots whose defaulting rate seems to them to proceed from the deficiency

Contractors should be postponed for the Current Year, in Consequence of no intimation to this effect having been given to them when giving over the Contracts.— Next year the Rule may be introduced with advantage.—

I have the honor to be,

Sir,

Your most Obed.t Serv.t

L. C. Schuyler

For Superintendent,

Edgar Du

M

Wash
Tweed
good price, & al
& Civ. Ln arrears.
el Subscribers to the Cert.s pass of the Chittenden & Supt.
el Report to the Leg.e Comm.rs appointed last Sess.n to Ex.e
ands for arrears of Revenue under Rule XVI of the Survey Act, which is
at present. This Dep.t might also be authorized to attach the
defaulters when the arrears due for one year are not realized, but not to
interfere with the Sanction of the Supt. previously obtained. This would put a
stop to any delay which occurs in Ref.ce to the Supt,
often time to make away with his personal property. E. 16/8

Recd 1871 1st 63

From The Secretary to the Chief Commr

To The Secretary to the Chief Commr

No 8 dated August

Dcd 1871

Rec'd 14 Aug

Rgd 15 Aug

253

No 216

Res. 59

Referring to 48 of 4th April last forwards copy of letters from the Dy Supts of Revenue that in the case of moveable property seized in the first instance & then sold in execution of decrees that interest on the amounts overdue by Contractors may be levied from next year.

19/8 - Mr Chambers with his report, in continuation of No 89 - 4th April, directing that, in the case of unsecured bonds, the practice hereto- fore in force in attaching & selling the moveable pro- perty of persons defaulters, in relation to the Govt Claims, with the con- currence of the Govt effect to the re- duction proposed in the said Letter

2. Reply to Major Hay

that I concur with him that the im- position of interest should not be en- forced during the term of the Sixty Bonds & other se- curities & that I approve of the suggestion that Dy Supts be authorized to with- hold from persons under Rule XVI of the Rules without re- course to Supt & to attach the moveable property of defaulters, but

No: 129.

Kadoor Distt. Dy. Supt.ts Office,
Chickmogloor, 24th June 1871. —

To,

The Superintendent, Kagar Dn.

Sir,

Referring to your Docket No: 32. of the 19th April 71, forwarding copy of Correspondence relative to enforcement of the provisions of Section XVI of the Survey rules of the 29th May 1869, on the subject of levying interest on instalments of Revenue when overdue to Government, I have the honor to state that it has been the practice hitherto in this District to recover the amount by attachment and sale of the moveable property of the defaulter and when by such sale of moveable property the amount was not fully recovered, the immovable property including the land was also sold.— By the ruling of Section XVI the instalments due together with interest are to be recovered from

from the sale proceeds of the land only.—
It is anticipated that in many instances
from different Causes such as barrenness,
distance, situation, &c., the land will
not sell, or for a trifle and thus the
Government demand will not be satis=
=fied from such sale.—

2. Under these circumstances, I beg
to be favored with your instructions
as to whether it would not be advi=
=sable until the Survey Settlement
takes place to recover the Cundayum
and interest thereon in the first
instance from the moveable property
of the defaulter as hitherto.—

I have the honor, &c.
Signed/ H. E. Lastlet
Offg: Dy: Supt:, Kadoor Dist:—

Do: 123.

Shemoga Distt. Dy. Supttt. Office,

Shemoga, 6th July 1871.

No: 123.

To,

The Superintendent, Nagar Division

Sir,

With reference to Survey Rule 16. regarding the recovery of land Revenue which has been extended to all unsurveyed Talooks also, I have the honor to state that the Amildars have solicited further instructions on the following points.—

1st Ist The date from which interest is to be charged for each instalment.—

2nd Do. Whether on the default of the Ryot the land may at once be attached and sold or according to the existing practice to sell moveable property first and then interfere with the land.—

3d Do. If the land is immediately on default to be interfered with, in the case of the sale proceeds of the land be not sufficient to cover the Cundayam due, whether the balance may be remitted

remitted or recourse had to other property.—

4th How the Batta recovered for the service of Peons is to be disposed of, whether separate batta Peons may be entertained and remunerated by this amount, or whether the Peon may as usual be served through the Shikdar, Shanbogue, and Patil and the fees credited to Government.—

I beg you will favor me with further information on these points.—

I have the honor, &c

Signed/ H. Le. Elliott

Dy. Supt., Shimoga Distt.

Dy. Supt's Office, Kadoor Distt.,
Chickmagloor, 6th July 1871.

No: 173.

To, The Superintendent, Nagar Division

Sir,

Adverting to your Circular No 32. dated the 19th April last, covering correspce with the Secretary to the Chief Commissioner on

of Cundayeii due to Government by taking advantage of Rule XVI, Clause 2. of the Survey Rules, which provides that in the event of the arrears due not being paid together with interest within the time of one month allowed, the right of occupancy shall be sold.—

The practice which prevailed previous to the enforcement of the above Rules, was to proceed first against the moveable property of the defaulter and in case of the proceeds thereof not being sufficient to meet the Government demand, then to put up the land to sale and recover the arrears.—

In the Cases referred to by the Amildars above alluded to, the defaulters appear to be well off to pay the amounts due by them without their lands being sold, but probably with a view to get rid of their lands which

which they perhaps do not wish to keep, but have not tendered resignations in due time, they decline to satisfy the Government demand but state that their holdings may be sold.—

In the Bedihalu case the total amount due by the defaulter inclusive of interest and Notice fees is Rs. 3-15-9, whereas only Rs. 3-14-— only has been realized from the × sale of his land, and there is no means of recovering the balance of Annas 1-9.

× (the Amildar was wrong in having sold the land without the previous sanction of higher authorities.— He has been checked for it.— A separate statement has been submitted in the usual form, soliciting sanction of the Superint.t for the sale.)

In the case alluded to by the Amildar of Davengere, the arrears due by the individual therein named inclusive of interest and Notice fees up to the end of April last is Rupees 37-6-6, the land held by him is stated to be dry and to have been lying waste for some time, so that there is no likelihood of its fetching any price.—

I beg

R 37

No. 38

1871

L. R.

Fr

vey and Settlement Commissioner,

No.

To Secretary to the Chief Comm.
of Mysore

D Poona 16th Sept. 1871.

Uched

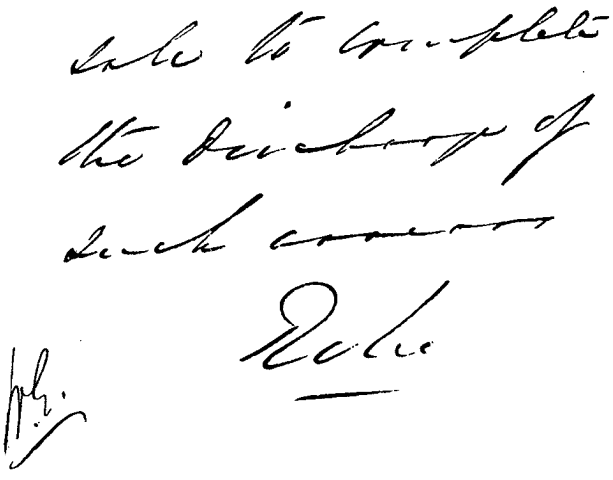
Dved
ed 20th

ENCLOSURES No.

No. 948

From Secretary's No. 2537-66 D. 22/8/71
Regarding attaching and selling personal property if sale of land is insufficient to cover arrears of Revenue.

Copy forwarded



No. 948 of 1871

From,

Colonel W. C. ANDERSON,

Survey and Settlement Commissioner Mysore.

To,

THE SECRETARY TO THE CHIEF COMMISSIONER,

for the Government of the Territories of His Highness

the Maharajah of Mysore.

Survey Commissioner's Office,

Poona 16th September 1871.

SIR,

With reference to your letter General No. 2537/R 60 of the 22nd ultimo and appended correspondence herewith returned I have the honor to inform you that in Surveyed and unsurveyed Districts I see no objection whatever to attaching and selling the personal property of a Revenue defaulter in case of the sale of his land not covering the demand against him. This is in accordance with the

practice in the Bombay Presidency when however it is very rarely necessary to fall back upon the personal property. —

Your obdt. servant,

J Manson

Survey & Settlement Commissioner
Mysore

Mob Office

General Circular No 1 of Sept 1871

Dated 25th Sept 1871.

It having been brought to notice that defaulters have been successful in recovering arrears of land revenue due from defaulters, in consequence of the [illegible] authority vested in Revenue Officers under Clause 2 of Para XVI of the Rev. Survey Rules being limited to the authority to sell the right of occupancy, by public auction, [illegible] the Collector direct that wherever, in such cases, the whole of the arrears [illegible] due from [illegible] may not have been realized by the sale of the defaulters holding, the Dy Supt. shall be competent to attach the moveable property of the defaulter & then submit an application to the Collector, stating the purpose, [illegible] and praying that the sanction of the Supt of the Dist may be previously applied for & obtained, to sell such property by public auction.

2. [illegible] Penalties of this nature should be fully realized, whether such have

come under the Speaker of the
New Jersey a settlement or not.

By order

N. 3191
Fi 693

Copy Complete Bryan Lafitte
with the claim Miles of 30
Seperate copies in English & 100
in Canarese.

Genl No 375 / Revd 97 {1871-72

Hugh Duncan
Superintt's office
Shimoga 25th Octr 71

To,

The Secretary to the Chief
Commissioner
of Mysore

L.R.
5 of 1871-72
No 4

With reference to the general
Circular No 1 dated 25th September 71
alluded to in your letter No 3192/32 dated
25th Inst, I beg the honor to state
that the Deputy Superintendent of
Chitteldroog, has urged that the
procedure therein laid down, of
Dy: Superintendents obtaining the
sanction of the Superintendent, for
the sale of immoveable property, in
satisfaction of Government demands
will cause great delay in the col-
lection of Government revenue &
as by the Survey rules, Shekdars
the Deputy Superintendents have
power to sell the Government
lands themselves, it seems to
me that they may be safely
entrusted

entrusted with the power of selling immoveable property also.

The practice that prevailed hitherto was in accordance with your Circulars noted in the margin, by which the sale of the immoveable property was directed to be most sparingly resorted to by the Superintendent after recourse was had to all available moveables. The Deputy Superintendents have on several occasions brought to notice the great delay occurring in the recovery of Government arrears by their having to apply for the Superintendent's sanction for the sale of immoveable property, and I request to be informed, whether the two Circulars above alluded to must be considered to be superseded by General Circular No 1 of 25th September since its operation has been (in para 2)

No 1506 of 4th
6 June 67

No 3074 of 30th
15 Aug 67

Circulars 1/14 to 16
Circular No 6
Circular No 306

directed to be extended to all Islands
whether surveyed or unsurveyed -

I have the honor to be
Sir
Your most obed Servt

Abbay
Superintendent

167

Secy to Chief Commr. [illegible] 37

The Circular of 30 Aug 1867 is certainly [illegible] in effect by the [illegible] General circular [illegible] 1871 [illegible] Sept last.

The Supt of Nagpur in this letter, as well as the Supt of [illegible] in his letter of 28 Oct, [illegible] apparently suggest a modification in the circular which requires that after the land or immoveable property of a defaulting Ryot has been sold by auction, the moveable property may be attached and sold after the sanction of the Supt has been obtained.

The proviso to this effect in [illegible] of the last circular might be withdrawn [illegible] of the Chief Commr [illegible] as check on the [illegible] of the Dep Supt in recovering arrears of Revenue is [illegible] necessary.

[illegible] experience is that [illegible] to withdraw this check [illegible] for various reasons. It is not a question of trusting the Dep Supt but the object of the Supt [illegible] is to see that after the [illegible] of a Ryot's property [illegible] has been sold, he shall not be completely sold up, unless [illegible] can [illegible] shown [illegible] by [illegible]

1871 — 141

From The Superintt Nagpur Dn

To The Secretary to the Chief Commr of Nagpore

Dated 25th } October

Despatched 26th } October

Received

Regd 30 do

Enclosures None

General No 375 / 1871-72

Revl No 97

Recommends that the Dy Supts may be empowered to sell moveable as well as immoveable property in satisfaction of Government demands without the sanction of the Superintt.

1/4/71 -

1 The Circular of 24th June 1867 limited the sale of attached immoveable property belonging to Govt. Revenue defaulters should not be sold without the authority of Superior

2 That of 30th Aug. 67 laid down certain Rules for the sale of lands &c. each case

3 That of 25th Sept. in supersession of the Circulars of 14th June 67 extended to Sale Officers the powers [illegible] settlement Officers by Clause 2 Sec 16 of the Act, [illegible] any Rules, of selling the rights of a defaulter in the land held by him, without expense to Govt. but directed the manner of the sale to be effected. The sale of moveable property attached to complete the payment of the arrears due to Govt. - the object being to prevent defaulters being stripped sold up & reduced to beggary without due consideration

From 1871 No. 911

To The Superintendent Nagar D

Dated 2 December

Despatched 6 Do

Received 6 Do

Enclosures No.

General No. 3911 } 1871-72
Rev No 46 }

Inspector No. 375 of 25 Returns.

Replies to an enquiry whether General Circular No 1 of 1871 supersedes the existing Rules regarding the sale of moveable property in satisfaction of Govt demands.

No 115

From 1871.

The Superintt.

To Virapur Dn

The Secretary to the

Chief Commr. of

Dated 28th Mysore

Despatched 30th } November

Received 4th December

Enclosures No.nn

General No. 439

Revr No. 1 1871-72

Advertising to his

Letter No. 3911 of the 3rd

Instt., requests certain

instructions with

reference to the procedure

laid down for the

recovery of Government

dues.

In drafting with the Civil Courts for submission to Government would such report as it may deem advisable to make. — FWG 4-12-71

Inamdar No 968/4/12/71

4

10

Genl No 439 / Revr. 111 } 1871-72

Nagar Division
Superintendent's office
Camp Sangam 28th Nov 1871

To,
The Secretary to the Chief Commissioner of Mysore
Sir,

With reference to your letter No. 3911/46 dated 3rd Instant, I have the honor to state that from para 3 of the above and from the tenor of General Circulars No 1, the Chief Commissioner seems to have laid down a procedure with regard to the recovery of Government dues on Cundayan lands only, whereas the Circulars of 14th June and 30th August 1867, related to the recovery of Government dues of all sorts, such as Kabaturpa, Ferry, Ganja and Toddy contracts, Municipal house tax &c; but as those Circulars are now declared to be superseded, by General Circular No 1, I request to be informed what procedure

Std

should be followed in recovering Government dues other than on fun= = dayem lands, whether the immoveable property, i.e. a house in the case of a habitation, should be sold first or after recourse in as said to the moveables, and whether the Deputy Superintendents may be permitted to sanction sales of both immoveable and moveable properties. When the fund dayem is not realized by the sale of the fundayem lands, and the moveable property, recourse should be had to the

[redacted] property of the defaulter

I have the honor to be

Sir

Your most obd Servt

Abbay

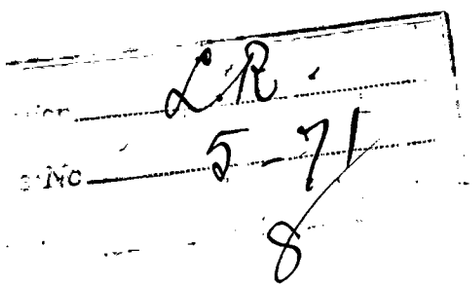
Superintendent

Tanjore Division

Gl R: 4654-
Rev: 50.

M. C. C. Office.
Camp Hoolhalli 20th Dec.
1871

To,
The Superintendent
Nagar Division



Sir,

In reply to your letter No. 439/111 of the 28th Ultimo, requesting instructions with reference to the procedure laid down for the recovery of Govt. dues, I have the honor by desire of the Chief Commissioner to state that this Office General Circular No. 1 of the 25th September last should be regarded as merely affecting the recovery of arrears of Land Revenue, and not as altering the practice previously in force as regards the recovery of other items of the Govt. demand.

I have &c.

Offg. Secretary.

4655 / 1019 — 4656 / 10 20-

Copy to Superintendents of Nandidroog and Astagram Divisions for information and guidance.

Dy. Secy. noted 23/12/71

Rec 1871 No 4654/50

To The Superintendent of the Nagar Division

Dated 20th December

Diff 22 Dr
Rly 22 Do
No 4654 ✓
Rec 50

In reply to letter No 439/111 dated the General Circular No 1 is intended only to the Land Revenue but does not affect to other items of Govt dues—

To The Deputy Insp Genl